

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	Case No. 3:17-cr-59
	:	Civil Case No. 3:23-cv-310
v.	:	
	:	Judge Thomas M. Rose
MYRON D. BAKER,	:	
	:	Magistrate Judge Michael R. Merz
Defendant.	:	
	:	

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**ENTRY AND ORDER ADOPTING IN FULL, REPORT AND  
RECOMMENDATIONS (DOC. NO. 222) AND THE SUPPLEMENTAL  
REPORT AND RECOMMENDATIONS (DOC. NO. 243); OVERRULING  
OBJECTIONS TO MAGISTRATE JUDGE’S REPORT AND  
RECOMMENDATION (DOC. NO. 241); AND, DISMISSING WITH  
PREJUDICE DEFENDANT’S MOTION TO VACATE UNDER 28 U.S.C. § 2255  
(DOC. NO. 185)**

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This case is before the Court on Defendant Myron D. Baker’s (“Baker”) Motion to Vacate under 28 U.S.C. § 2255 (the “Motion”) (Doc. No. 185). The Court has reviewed the Report and Recommendations (the “Report”) (Doc. No. 222) as well as the supplemental Report and Recommendations (the “Supplemental Report”) (Doc. No. 243), issued by United States Magistrate Judge Michael R. Merz, to whom this case was referred pursuant to 28 U.S.C. § 636(b). Baker filed his Objections to Magistrate Judge’s Report and Recommendation (“Objections”) (Doc. No. 241) on October 4, 2024. Following the Court’s Remmittal Order (Doc. No. 242), Magistrate Judge Merz issued his Supplemental Report on October 10, 2024, addressing Baker’s Objections. (Doc. No. 243.) Baker has not filed any objection to the Supplemental Report and the time for filing such objections under Fed. R. Civ. P. 72(b) has passed. Thus, Baker’s Motion is now ripe for review and decision.

If a party objects within the allotted time to a United States magistrate judge's report and recommendation, then the Court "shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1); *see also* Fed. R. Civ. P. 72(b). Upon review, the Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." *Id.* The Court "may also receive further evidence or recommit the matter to the magistrate judge with instructions." *Id.*

The Court has made a *de novo* review of the entire record in this case, including "those portions of the report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1). This includes the Court's consideration of the Report, Baker's Objections, and the Supplemental Report. Upon said review, the Court finds Baker's Objections to Magistrate Judge's Report and Recommendation (Doc. No. 241) are not well-taken and the Objections are hereby **OVERRULED**. The Court then **ADOPTS** the Report and Recommendations (Doc. No. 222), as well as the supplemental Report and Recommendations (Doc. No. 243), in their entirety.

Accordingly, it is hereby **ORDERED** that Defendant's Motion to Vacate under 28 U.S.C. § 2255 (Doc. No. 185) be **DISMISSED WITH PREJUDICE**. Baker is **DENIED** any requested certificate of appealability and the Court hereby **CERTIFIES** to the United States Court of Appeals that an appeal would be objectively frivolous and Baker should not be permitted to proceed *in forma pauperis*.

**DONE** and **ORDERED** in Dayton, Ohio, this Monday, November 4, 2024.

s/Thomas M. Rose

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THOMAS M. ROSE  
UNITED STATES DISTRICT JUDGE